

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

GREGORY D. DOUGLAS)	
Plaintiff,)	
v.)	Case No. 1:18-cv-00015
)	Judge Campbell/ Frensey
DAMON HININGER, ET AL.,)	
Defendants.)	

ORDER

Pending before the court is Defendants' Petition for Attorneys' Fees and Expenses. Docket No. 54. The Plaintiff has not responded to the Petition. For the reasons stated herein, the Defendant's Petition is GRANTED. Docket No. 54.

On March 5, 2019, the Court granted Defendants' Motion for Leave to Depose the Plaintiff in this matter. Docket No. 41. On March 12, 2019, Plaintiff appeared for his deposition but refused to answer any questions related to the lawsuit and terminated the deposition. Docket No. 41-1. The Defendants filed a Motion for Sanctions based upon Plaintiff's refusal to participate in his deposition. Docket No. 44. In their motion, the Defendants sought dismissal of the action or in the alternative, a modification of the scheduling order and to allow them to depose the Plaintiff again. *Id.*

The Court granted the Defendants' motion in part and ordered the Plaintiff to sit for a supplemental deposition if the Defendants wish to take the deposition. Docket No. 47. As required by Rule 37(d)(3), Plaintiff was ordered to pay reasonable expenses including attorneys' fees caused by his failure to participate in the deposition. *Id.* The fees were to include the court reporter's per diem and other expenses associated with the deposition including travel expenses but not transcription fees. *Id.* The Defendants were ordered to submit a petition for fees and

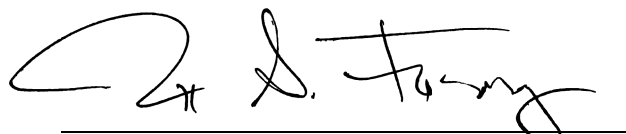
expenses within 14 days after the supplemental deposition. *Id.* Plaintiff was allowed to file any opposition to the amount of fees and expenses within 14 days after the Petition was filed. *Id.*

The Defendants completed the Plaintiff's supplemental deposition of February 28, 2020 and filed the instant Petition for Attorneys' Fees on March 12, 2020. Docket No. 54. In addition to the Petition, the Defendants submitted a supporting Affidavit of counsel allotting the fees and expenses incurred. Docket No. 55. According to that Affidavit, Defendants incurred a charge of \$125.00 for the court reporter's per diem; \$72.45 for travel expenses of 126 miles at a rate of .575 per mile; and attorney's fees of \$532.00, consisting of round-trip travel time of 2.8 hours at a rate of \$190.00 per hour. Docket No. 55, ¶ 5. Defendants incurred a total of \$729.45 in expenses and fees not including the actual time expended during the supplemental deposition. Docket No. 54.

The Plaintiff has not responded to the Defendants' Petition. The Court finds that the expenses are reasonable and necessary. They were necessitated by the Plaintiff's failure to participate in the original deposition and submitted consistent with the Court's Order setting out the procedure for determining the appropriate award.

For the reasons set forth herein, the Defendants' Petition for Attorneys' Fees and Expenses (Docket No. 54) is GRANTED. Defendants are awarded a total of \$729.45 in reasonable expenses and fees.

IT IS SO ORDERED.


JEFFERY S. FRENSLEY
U. S. Magistrate Judge